

Serial No. 09/777,194

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): **Ronald Bruce Martin
Randall Joe Wilson**

Case: **14-11**Serial No.: **09/777194**Group Art Unit: **2645**Filing Date: **February 2, 2001**Examiner: **Hashem, Lisa**Title: **Method And Apparatus For Leaving A Multimedia Mail Message
Without Ringing A Wireless Phone**

COMMISSIONER FOR PATENTS

**P.O. BOX 1450
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SIR:

Appeal Brief

Enclosed is the Appeal Brief relating to the above-identified application.

Please charge Lucent Technologies Deposit Account No. 12-2325 in the amount of \$340.00 to cover the fee under 37 C.F.R. 1.17(c). In the event of nonpayment or improper payment of a required fee, the Commissioner is authorized to charge or credit Lucent Technologies Deposit Account No. 12-2325 as required to correct the error.

Respectfully,


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Date: October 13, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents Fax No. (703) 872-9306 on the date shown below.	October 13, 2004
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Application

Inventors: Martin, Ronald Bruce
Wilson, Randall Joe

Case: 14-11

Title: Method And Apparatus For Leaving A Multimedia Mail Message Without Ringing
A Wireless Phone

Serial No.: 09/777,194 Examiner: Hashem, Lisa
Filed: February 2, 2001 Group Art Unit: 2645

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

APPELLANTS' BRIEF**1. REAL PARTY IN INTEREST**

The real party in interest and assignee of all rights to the subject application is Lucent Technologies Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Original application was filed with claims 1-28. Applicants added claim 29 and cancelled claims 1-8, 11, 13, 26, and 28 in a response to the first Office Action. The current status of claims is as follows:

Pending: Claims 9-10, 12, 14-25, 27, and 29.

Canceled: Claims 1-8, 11, 13, 26, and 28.

Claims 9-10, 12, 14-25, 27, and 29 are the subject of this appeal.

4. STATUS OF AMENDMENTS

No amendments were filed after the final rejection.

5. SUMMARY OF INVENTION

The present invention provides a method, communication system, and a call processing control entity for allowing a calling party to directly leave a multimedia message in the multimedia mailbox associated with a wireless phone without attempting to communicate with the wireless phone. A multimedia mailbox is similar to a voice mailbox but is capable of storing multiple types of messages. The multimedia message stored by the multimedia mailbox can be a voicemail message, a video message, or any other multimedia message that can be stored in the multimedia mailbox.

The wireless phone user signs up for direct multimedia mail service, which allows other users to direct messages to the multimedia mailbox of the wireless phone without attempting to communicate with the wireless phone. In the preferred embodiment, a calling party, which can be another wireless phone, a landline phone, or any monomedia or multimedia device, makes a call request requesting direct access to the multimedia mailbox of the called wireless phone. This is preferably done by entering a predetermined code prior to dialing the directory number of the wireless phone. For example, the calling party could dial *90, followed by the directory number of the called wireless phone. The *90 code is an indication of the desire not to attempt to communicate with the called wireless phone, but rather to be placed directly into the multimedia mailbox associated with the called wireless phone. For example, a caller may not want to bother

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the called party, may be calling late at night, or may want to leave complicated instructions for the user of the called communication unit and may want to give the called party the ability to re-listen to the message left in the mailbox. This is different from being transferred to a voice mailbox in current systems, because the decision as to whether to go directly to the mailbox of the called party is made by the caller, not by the communication system or the called party.

Upon receiving the request to be placed directly into the multimedia mailbox associated with the called wireless phone, the control entity responsible for call processing, such as a Mobile Switching Center (MSC) in a Second Generation cellular system or Call Session Control Function (CSCF) in a Third Generation cellular system, checks to determine if the called wireless phone has subscribed to the direct multimedia mail service. If the called wireless phone has subscribed to the direct multimedia mail service, the calling party is placed directly into the multimedia mailbox associated with the called wireless phone without attempting to communicate with the called wireless phone. Therefore, the called wireless phone does not ring and there is no call path set up between the calling party and the called party.

If the called wireless phone has not subscribed to the direct multimedia mail service, the direct multimedia mail request is ignored and the call is placed to the called wireless phone as if the direct multimedia mail request had not been placed. Alternately, a message could be played to the calling party stating that the user has not subscribed to the direct multimedia mail service. At this point, the call could be ended or a choice could be given to the user as to whether the caller would like to terminate the call or proceed with a regular call to the called party.

In an alternate embodiment of the present invention, a user can subscribe to the direct multimedia mail service and activate direct multimedia mail when desired. In this embodiment, upon activating the direct multimedia mail service, any incoming calls intended for the wireless phone are preferably automatically routed directly to the multimedia mail box associated with the wireless phone without attempting to communicate with the wireless phone. Alternately, the calling party can be given an option of whether they would like to go to the multimedia mail box of the called party or terminate the call.

6. ISSUE

The issue presented on appeal is whether claims 9, 10, 12, 14-19, 24, 25, 27, and 29 are properly rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fortman et al. (U.S. Patent Number 5,987,100) and whether claims 20-23 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman et al. (U.S. Patent Number 5,987,100) in view of Bharatia (U.S. Patent Application Number US 2001/0031635).

7. GROUPING OF CLAIMS

Applicants do not believe that all claims stand or fall together. Claims 10, 14-19, 20-25, 27, and 29 are included in the grouping of claim 9. Claim 12 does not stand or fall with claim 9. Arguments as to why the claims are separately patentable are presented below.

8. ARGUMENTS

Claim 9

Applicants' invention as embodied in claim 9 relates to a method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone. The wireless phone registers for direct multimedia mail service, which allows calls to go directly to the multimedia mailbox associated with the wireless phone. A call request is received from a calling communication unit that is intended for the wireless phone. The calling communication unit is directed to the multimedia mailbox of the wireless phone without attempting to communicate with the wireless phone.

The Fortman reference relates to a universal mailbox in which a subscriber can retrieve an existing message in a format independent of the format used when earlier storing the message. See column 2, lines 39-42. The subscriber can respond to the message in a format independent of the format used to store or retrieve the message. See column 2, lines 42-44. The Fortman reference thereby relates to a universal messaging center that notifies subscribers of a message waiting for them, and allows the subscriber to retrieve and respond to the stored message in formats independent of the format in which the message was originally stored. See column 1, lines 4-11.

The Fortman reference includes a "subscriber", which is defined as a person that subscribes to universal mailbox services, and a "caller", which is a person who does not subscribe to universal mailbox service. See column 3, lines 38-44. The caller places a "voice call" intended for the subscriber. See column 4, lines 52-53. As is known in the industry, a voice call is defined as any demand to set up a connection between two communication units. Therefore, the Fortman reference teaches a method wherein a caller attempts to make a voice call with a subscriber. The caller may end up in the universal mailbox of the subscriber, but according to the Fortman reference, this only occurs after placing a voice call to the subscriber. Accordingly, the Fortman reference would necessitate the establishment of call paths and other call origination steps that are not required in Applicants' invention, which automatically directs the calling party to the multimedia mailbox of the called wireless phone without attempting to communicate with the wireless phone. Nothing in the Fortman reference teaches or suggests automatically directing a caller to a mailbox associated with a subscriber. Consequently, the communication system of the Fortman reference attempts to communicate with the subscriber, which is significantly different from Applicants' invention as claimed in claim 9, which calls for directing a calling communication unit to a mailbox without attempting to communicate with the wireless phone.

Further, the Office Action relies on column 7, lines 5-13 of the Fortman reference. This section of the Fortman reference actually teaches away from Applicants' invention as embodied in claim 9. Lines 12 and 13 of column 7 in the Fortman reference state that the subscriber is notified of the pending message. Therefore, even if the caller is directed to the mailbox of the subscriber, the communication system does attempt to communicate with the subscriber. This is fundamentally different from claim 9 of Applicants' invention, which directs a calling communication unit to a mailbox without attempting to communicate with the wireless phone.

The Fortman reference thereby does not anticipate claim 9, as it does not teach or suggest numerous elements of claim 9.

Claim 12

Claim 12 of Applicants' invention ultimately depends from claim 9, and the arguments above relating to the Fortman reference apply to claim 12 as well. Further, claim 12 calls for the step of sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service. As stated above, the Fortman reference does not teach or suggest automatically directing a caller to a calling communication unit without attempting to communicate with the wireless phone.

The Office Action states that the Fortman reference "discloses a step of inherently sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service; the caller would send the call request to the wireless phone, wherein the request is not relayed further to the universal mailbox." Applicants respectfully disagree.

The Office Action relies on column 6, line 61 through column 7, line 4 of the Fortman reference to show this teaching. This section of the Fortman reference relates to a caller sending a message to a subscriber. The message may be sent to a universal mailbox or to the subscriber's telecommunications equipment. If the message is sent to the subscriber's telecommunications equipment, the subscriber's telecommunications equipment then relays the message to the universal mailbox. This does not teach or suggest Applicants' invention as claimed in claim 12.

As stated above, claim 12 calls for sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service. This is fundamentally different from the Fortman reference. Claim 12 relates to the wireless phone disabling direct multimedia mail service; as stated with regard to claim 9, the Fortman reference does not teach or suggest a direct multimedia mail service, and further does not teach or suggest the ability to disable such service. Conversely, the section of the Fortman reference cited in the Office Action relates to a subscriber's telecommunications equipment relaying any message to a universal mailbox when the subscriber is unavailable. See column 7, lines 1-4. Further, the Fortman reference even suggests that this is known, by stating that this is accomplished via "conventional mechanisms."

The Fortman reference thereby does not anticipate claim 12, as it does not teach or suggest numerous elements of claim 12.

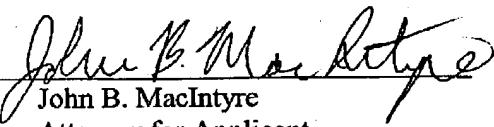
CONCLUSION

Accordingly, Applicants believe that the application is in condition for allowance. All pending claims have been shown to be patentably distinct from the references used in the previous Office Actions. Because Applicants believe that all pending claims are patentably distinct from the references cited, Applicants believe that the rejections of claims 9-10, 12, 14-25, 27, and 29 are not supported. Applicants thereby respectfully request the Board reverse the rejection of each of these claims.

Respectfully,

Ronald Bruce Martin et al.

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9. APPENDIX

9. A method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone, the method comprising:

registering the wireless phone for direct multimedia mail service, the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone;

receiving a call request for the wireless phone from a calling communication unit; and

directing the calling communication unit to the multimedia mailbox associated with the wireless unit without attempting to communicate with the wireless phone.

10. A method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone in accordance with claim 9, the method further comprising the step of determining whether the wireless phone has subscribed to direct multimedia mail service.

12. A method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone in accordance with claim 10, the method further comprising the step of sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service.

14. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone, the communication system comprising:

 a call processing control entity for registering the wireless phone for direct multimedia mail service, the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone;

 a subscriber database coupled to the call processing control entity for storing the registration for direct multimedia mail service of the wireless phone;

 a multimedia mail system coupled to the call processing control entity; and

 a base station coupled to the call processing control entity for receiving a direct multimedia mail request for the wireless phone, the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without attempting to communicate with the wireless phone.

15. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, wherein the base station directs the direct multimedia mail request to the call processing control entity, wherein the direct multimedia mail request comes from a calling party, and wherein the calling party is directed to the multimedia mailbox of the wireless phone without attempting to communicate with the wireless phone.

16. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, wherein the call processing control entity is a Mobile Switching Center (MSC).

17. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 16, wherein the MSC includes a Service Circuit (SVC).

18. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, wherein the subscriber database is a Home Location Register/Visitor Location Register (HLR/VLR).
19. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, the communication system further comprising a Public Switched Telephone Network (PSTN) coupled to the call processing control entity for providing communication with landline users.
20. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, wherein the call processing control entity is a Call Session Control Function (CSCF).
21. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 20, wherein the CSCF includes a Multimedia Resource Function (MRF).
22. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 21, wherein the MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party.
23. A communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14, wherein the subscriber database is a Home Subscriber Server (HSS).

24. A call processing control entity for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone without attempting to communicate with the wireless phone, the call processing control entity comprising:

a processor for registering a wireless phone for direct multimedia mail service, the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone;

an input port for receiving a direct multimedia mail request for the wireless phone from one of the calling communication units, the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without first attempting to communicate with the wireless phone; and

an output port for directing the one of the calling communication units request to the multimedia mailbox of the wireless unit without attempting to communicate with the wireless phone.

25. A call processing control entity in accordance with claim 24, wherein the processor determines whether the wireless phone has subscribed to direct multimedia mail service.

27. A call processing control entity in accordance with claim 25, wherein the processor sends the direct multimedia mail request to the wireless phone if the wireless phone has disabled the direct multimedia mail service.

29. A method for connecting a calling communication unit with a multimedia mailbox associated with a wireless phone, the method comprising:

receiving a call request at a call processing control entity from the calling communication unit, the call request being a request for direct access to the multimedia mailbox associated with the wireless phone; and

routing the calling communication unit to the multimedia mailbox without attempting to communicate with the wireless phone.